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IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15313 of 2004

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Rajendra Prasad Bhagat, son of late Awadh Bihari Bhagat, resident of Bhikhanpur, Gumti No.1, P.S. Issachak (Bhagalpur), District Bhagalpur.

... Petitioner

Versus

1. The State of Bihar, through Commissioner-cum-Secretary, Rural Development Department, Main Secretariat, Patna
2. Director Panchayat Raj, Bihar New Secretariat, Patna.
3. Zila Parishad, Banka, through Deputy Development Commissioner-cum-Chief Executive Officer, Banka.
4. Shri Rajendra Kumar, Deputy Development Commissioner-cum-Chief Executive Officer, Banka.
5. Md. Ehtessam Hussain, Assistant Director, Social Security Koshang, Collectorate, Muzaffarpur, P.O. & District Muzaffarpur.
6. Sri Alok Kumar, Block Development Officer, Belhar, District Bhagalpur.

... Respondents

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For the Petitioner : Mr. T. N. Maitin, Sr. Advocate and
Mr. Kumar Madhurendu, Advocate
For the State : Mr. Ranjeet Kumar Pandey,
A.C. to G.P. 21e
For the Banka Zila Parishad: None.

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P R E S E N T : HONOURABLE MR. JUSTICE S.N. HUSSAIN

O R D E R

13 14-08-2012 Heard learned counsel for the petitioner and learned counsel for respondent-State of Bihar and its authorities. Although notices were issued and served upon the Banka Zila Parishad and its Chief Executive Officer and in addition to that personal service of notices by hand was effected upon them by the petitioner regarding which an affidavit has also been filed, but no one has appeared on their behalf..

2. This writ petition has been filed by the petitioner

challenging order dated 21.09.2004 passed by the Banka Zila Parishad, dismissing the petitioner from service of Vaidya under the said Parishad and for a direction to the respondents to reinstate him in service and pay him full salary from 01.04.2001 till the date of his reinstatement as well as for other ancillary reliefs.

3. Against the said order, there is a provision of appeal before the Divisional Commissioner. Furthermore, questions of facts are involved in the instant case.

4. Accordingly, this writ petition is disposed of with a liberty to the petitioner to file an appeal before the Divisional Commissioner concerned against the said order and if such an appeal is filed by the petitioner within four weeks from today along with a copy of this order as well as an interlocutory application for condoning the delay, the appellate authority shall consider the delay caused due to the pendency of this writ petition and shall decide the appeal on merits in accordance with law by a speaking order within three months from the date of filing of the appeal.

MPS/- **(S.N. Hussain, J)**